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IBM Docket No. GB919990026US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of Applicants:

Date: May 14, 2003

BUTTERWORTH

Group Art Unit: 2156

Serial No.: 09/338,035

Examiner: Tang, K.

Filed: June 22, 1999

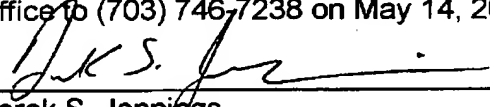
Docket No.: JP920000092US1

For: **DATA PROCESSING SYSTEMS AND METHOD FOR PROCESSING TASKS IN SUCH SYSTEMS**

Assistant Commissioner for Patents  
Washington, D. C. 20231

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper (6 pages remarks to outstanding office action) are being facsimile transmitted under Rule 37 CFR 1.6(d) to the U.S. Patent and Trademark Office to (703) 746-7238 on May 14, 2003.

  
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**RESPONSE TO THE OUTSTANDING FINAL OFFICE ACTION**

In response to the Final Office Action dated February 14, 2003, applicants offer the following remarks addressing the outstanding Office Action.

Reconsideration is respectfully requested in view of the remarks herein.

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In response to the Examiner's rejection of claims 1, 3, 4, 6, 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Gulsen in view of Kirk, claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Gulsen in view of Kirk further in view of Peters, claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Gulsen in view of Kirk further in view of Nilsen, claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Gulsen in view of Kirk further in view of Servi, claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Gulsen in view of Kirk further in view of Bourekas (hereafter referred to as the "rejections"), applicant traverses the rejections and believe that the claims are not obvious by the combinations of Gulsen in view Kirk or , either singularly or in combination, or further in view of Peters, Nilsen, Servi, or Bourekas.

Applicant's claimed invention includes the method step of "placing the tasks of at least one task type into a batch such that the tasks in a batch are processed before processing the next ordered task" , a program code means comprising "code means for scheduling tasks of like type into a batch such that tasks in a batch are processed before processing the next ordered task", and "means for scheduling tasks of like type into a batch, wherein the means for processing the tasks is operable to process the tasks in a batch before processing the next ordered task." Gulsen fails to disclose applicant's claim method step of "placing the tasks of at least one task type into a batch such that the tasks in a batch are processed before processing the next ordered task" , a program code means comprising "code means for scheduling tasks of like type into a batch such that tasks in a batch are processed before processing the next ordered task", and "means for scheduling tasks of like type into a batch, wherein the means for processing the tasks is operable to process the tasks in a batch before processing the next ordered task." To the contrary, Gulsen discloses the swapping portions of the current task's context that would be overwritten by the incoming task, see column 3, lines 4 – 6. Gulsen also discloses that the task are freed from the requirement of saving and restoring their own context, see column 3, lines 15 – 18. The features of Gulsen do not address the applicant's claimed structure as mentioned above.

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Kirk fails to correct the deficiencies of the Gulsen patent. Kirk fails to disclose applicant's claim method step of "placing the tasks of at least one task type into a batch such that the tasks in a batch are processed before processing the next ordered task", a program code means comprising "code means for scheduling tasks of like type into a batch such that tasks in a batch are processed before processing the next ordered task", and "means for scheduling tasks of like type into a batch, wherein the means for processing the tasks is operable to process the tasks in a batch before processing the next ordered task." The Examiner mentioned that Kirk is being cited for the teachings of instructions or tasks in a batch processing system. "That it would be obvious to process tasks into the batch one at a time to maintain order." Kirk only teaches that his patent evaluated the process by using an address trace technique in batch processing. However, this does not address applicant's claimed invention.

The Examiner fails to understand that the tasks are bundled by "task types" and placed into a batch for processing. Then the next "task types" of another bundled batch are processed. This bundling of "task types" continues until the processing is complete. Applicant's claimed invention emphasizes, in a microprocessor and cache system, receiving a plurality of tasks in one order before re-ordering them in another for efficient loading of the cache. Kirk fails to disclose or suggest any aspects of applicant's claimed re-ordering of the task into "task types" and then bundling of like "task types" for processing. The Examiner has not cited any portion in the Kirk patent that addresses applicant's claimed structure. It is further noted that the Examiner's Office Action also fails to address applicant's claimed invention from an obvious prospective. No where in the Office Action does the Examiner address the "placing the tasks of at least one task type into a batch such that the tasks in a batch are processed before processing the next ordered task" by the Kirk patent. There is no suggestion in Kirk to support any of the obvious statements cited in the Final Office Action. Kirk may in fact teach the use of batches for processing tasks. However, there is no teachings or suggestions in Kirk for the re-ordering of tasks into like "task types" then placing the "task types" into batches for processing.

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Therefore, it would not have been obvious to one of ordinary skill in the art to combine or modify the teachings of the Gulsen in view of Kirk to make applicant's claimed invention.

Applicant further traverses the rejections of the remaining claims under various 35 U.S.C. § 103(a) rejections using either Peters, Nilsen, Servi and/or Bourekas. Peters, Nilsen, Servi and Bourekas all fail to correct the deficiencies of the Gulsen patent, i.e. they fail to disclose applicant's claim method step of **"placing the tasks of at least one task type into a batch such that the tasks in a batch are processed before processing the next ordered task"**, a program code means comprising "code means for scheduling tasks of like type into a batch such that tasks in a batch are processed before processing the next ordered task", and "means for scheduling tasks of like type into a batch, wherein the means for processing the tasks is operable to process the tasks in a batch before processing the next ordered task." Therefore, it would not have been further obvious to one of ordinary skill in the art to combine or modify the teachings of the Gulsen in view of Kirk, further in view of Peters, Nilsen, Servi, or Bourekas to make applicant's claimed invention.

It is noted that the Examiner on several instances refers to Kirk as having inherent features. The features of which the Examiner cites as "inherent" are features of disputed aspects as to Kirk's obviousness. It is improper for the Examiner to refer to Kirk's tasking features addressing applicant's claimed features as inherent under a 35 U.S.C. § 103(a) rejection. Examples of these improper statements are found on pages 4 (referenced to claim 3) and page 8 (paragraph 9).

Furthermore, the Examiner statement in the Final Office Action that applicant failed to provide any support for arguments against the remaining prior art being used to reject the claims of the present application is misplaced. Peters, Nilsen, Servi and Bourekas all fail to correct the deficiencies of the Gulsen patent, i.e. they all fail to disclose applicant's claim method step of **"placing the tasks of at least one task type into a**

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**batch such that the tasks in a batch are processed before processing the next ordered task** , a program code means comprising "code means for scheduling tasks of like type into a batch such that tasks in a batch are processed before processing the next ordered task", and "means for scheduling tasks of like type into a batch, wherein the means for processing the tasks is operable to process the tasks in a batch before processing the next ordered task." Therefore, it would not have been further obvious to one of ordinary skill in the art to combine or modify the teachings of the Gulsen in view of Kirk, further in view of Peters, Nilsen, Servi, or Bourekas to make applicant's claimed invention.

Applicant notes the prior art cited but not applied by the Examiner and agrees that they do not disclose or make obvious the claimed invention.

In view of the above remarks, applicant believe that the application is now condition for allowance and respectfully request the Examiner to reconsider and allow the above-identified application.

If the Examiner wishes to discuss the application further, or if additional information would be required, the undersigned will cooperate fully to assist in the prosecution of this application.

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In the event that these remarks do not result in allowance of all such claims, the undersigned respectfully requests that this paper be entered to better place the present application in condition for appeal.

Respectfully submitted,

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